

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4082 OF 2022

1. Chandrakant s/o. Adhik Sonawane,
Age 46 years, Occu. Labour,
2. Dinesh s/o. Chandrakant Sonawane,
Age 14 years (Minor), Occu. Student,
U/g. of Petitioner No.1 -
Chandrakant s/o. Adhik Sonawane
3. Vijaya d/o. Chandrakant Koli,
Age 17 years, Occu. Student,
U/g. of Petitioner No.1 -
Chandrakant s/o. Adhik Sonawane

All R/o. At Kauthal, Post Nihalot,
Taluka and District Dhule.

.. Petitioners

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Division,
Nandurbar, Taluka and District Nandurbar,
Through its Member Secretary .. Respondents

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Mr. Sushant C. Yeramwar, Advocate for Petitioners
Mr. A. S. Shinde, A.G.P for Respondents – State

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**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATE : 28-04-2022

ORAL JUDGMENT
(PER : R. D. DHANUKA, J.) :-

Rule. Learned A.G.P. waives service of notice for respondents. Rule made returnable forthwith. Heard finally with consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners seek the writ of *mandamus* against the respondent no. 2 – The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar to decide Appeal filed by the petitioners on 06.12.2021, expeditiously, and not later than two weeks from today.

3. Learned A.G.P. for the respondents states that file of Appeal filed by petitioners is not traceable in the office of respondent no.2 – committee.

4. Learned counsel for the petitioners undertakes to reconstruct the copy of Appeal within one week.

5. We accordingly direct the respondent no. 2 - Scrutiny Committee to decide the said Appeal of the petitioners within two weeks from the date of reconstruction of the Appeal, without fail. The order that would be passed by the respondent no. 2 - Committee shall be communicated to the petitioners within one

week from the date of passing of such order. If the appeal of the petitioners is decided in favour of the petitioners, the consequential benefits shall be granted within four weeks from the date of passing of such order in favour of the petitioners and if the same is adverse against the petitioners, the petitioners would be at liberty to file appropriate proceedings.

6. Writ Petition is allowed and disposed of accordingly. No order as to costs.

7. Rule is made absolute in above terms.

8. The parties shall act on the authenticate copy of this order.

9. The learned A. G. P. shall communicate this order to the respondent no. 2 - Committee for information and compliance.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

rrd